

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of New Jersey

Jeri Rizzo

\_\_\_\_\_  
*Plaintiff*

v.

Kristin Miller et al.

\_\_\_\_\_  
*Defendant*

)  
)  
)  
) Civil Action No. 09-1453  
)  
)  
)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Kristin Miller  
19 Madison Ave.  
Cherry Hill, NJ 08002

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Matthew Weisberg, Esq.  
WEISBERG LAW, P.C.  
7 S. Morton Ave.  
Morton, PA 19070

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 03/08/2012

\_\_\_\_\_  
/s/William T. Walsh  
*Signature of Clerk or Deputy Clerk*

Civil Action No. 09-1453

## PROOF OF SERVICE

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

<sup>5th Amended Complaint and</sup>  
 This summons for (name of individual and title, if any) Kristin Miller

was received by me on (date) March 9, 2012.

☐ I personally served the summons on the individual at (place) \_\_\_\_\_  
 on (date) \_\_\_\_\_; or

☒ I left the summons at the individual's residence or usual place of abode with (name) Diana Miller  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on (date) March 9, 2012, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_  
 on (date) \_\_\_\_\_; or

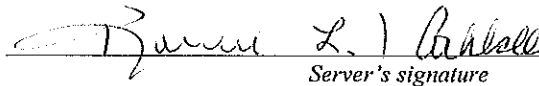
☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: March 9, 2012

  
 Server's signature

Robert L. Kahlcke  
 Printed name and title

\_\_\_\_\_  
 Server's address

Additional information regarding attempted service, etc:

*Robert L. Kahlcke*

*Please Reply To  
P.O. Box 903  
Bellmawr, New Jersey 08099*

*856-931-9637  
Fax: 856-686-4978*



March 9, 2012

Robert P. Cocco, Esquire  
1500 Walnut Street  
Suite 900  
Philadelphia, PA. 19102

RE: Jeri Rizzo vs. Kristin Miller, et al  
Civil Action: 09-1453

Dear Mr. Cocco,

Pursuant to your request the undersigned endeavored to effect Service of a Summons Complaint and Notice of Deposition upon Kristin Miller, 19 Madison Avenue, Cherry Hill, NJ. 08002, on Friday, March 9, 2012 at 8:35 P.M.

Upon arriving the bell push was used, followed by Diana Miller, Mother of the defendant, opening a window to the left of the front exterior door. When asked to speak with Kristin Miller, her Mother replied, "She's not in." Mrs. Miller was told the undersigned was there to serve a Summons Complaint and Notice of Deposition. Mrs. Miller told the undersigned, "Just leave it" followed by, "She doesn't live here."

The envelope containing the documents was left leaning adjacent the locked front storm door within view of Mrs. Miller. The weather at the time was clear, dry and there was no wind speed. The undersigned left, drove around the block and upon returning to 19 Madison Avenue, Cherry Hill, NJ. 08002, the envelope had been removed from the position where it had been placed.

This is the fifth Summons and Complaint Served at 19 Madison Avenue, Cherry Hill, NJ. 08002, for Kristin Miller. Please refer to my letter dated January 30, 2012.

Sincerely,

*R. L. Kahlcke*

Robert L. Kahlcke  
Enclosures